

William L. Morris, Jr., PE
Sr. Project Engineer

UNITED WATER DELAWARE
2000 First State Boulevard
P.O. Box 6508
Wilmington, DE 19804-0508
Tel: 302.252.3033 • Fax: 302.633.5919
william.morris@unitedwater.com

October 08, 2008

Ms. Andrea Maucher
Delaware Public Service Commission
861 Silver Lake Boulevard
Canon Building, Suite 100
Dover, DE 19904

**SUBJECT: Certificate of Public Convenience and Necessity (CPCN)
Russell W. Peterson Urban Wildlife Refuge Education Center
1400 Pettinaro Park Drive, Wilmington, DE 19801
New Castle County Tax Parcel # 07-043.40-055.**

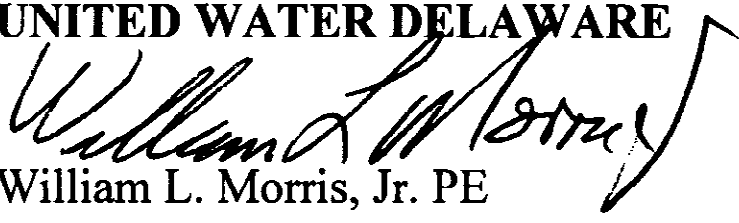
Dear Ms. Maucher:

Enclosed is one original and ten copies of a CPCN application for the above referenced property, along with the \$ 350 filing fee. As noted in our previous conversations about this project, the CPCN application contains the special provisions in Item 8.(b) of the recently passed legislation, Senate Bill No. 288 (attached as Exhibit E). This legislation allows us to serve this specific parcel with less than the normally required 25 PSI line pressure.

Please contact me at (302) 252-3033 if you have any questions or need additional information.

Sincerely,

UNITED WATER DELAWARE


William L. Morris, Jr. PE
Senior Project Engineer

Cc: Grover P. Ingle, State Fire Marshall
William J. Milliken, Dept. Public Health, Office of Drinking Water
Stewart Lovell, DNREC, Division of Water Resources
Nancy Trushell, PE, United Water Delaware
Alan Fleetwood, Artesian Water Company
Katie Mancini, EDIS
Elford D. Jackson, PE, RKK Engineers
Megan McGlinchey, Riverfront Development Corporation of Delaware

*DOCKET # W. 08-CPCN-2 CR# 14587/142-9
10-9-08 \$350 RB*

 **United Water**
Suez

2008 OCT -9 AM 11:50

DELAWARE

*Karen
Andy
Norma
Kevin
Lefisha*

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY REQUIRED TO BEGIN OR EXPAND THE BUSINESS
OF A PUBLIC WATER UTILITY**

BEFORE THE PUBLIC SERVICE COMMISSION

This form of application must be filed for each new or expanding water system pursuant to 26 Del. C. § 203C.

WATER UTILITIES:

1. Basis for application:

- ☐ a. Water in the proposed service area does not meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption (26 Del. C. § 203C(d)(2)(a); or
- ☐ b. Water supply in the proposed service area is insufficient to meet the projected demand (26 Del. C. § 203C(d)(2)(b); or
- ☐ c. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government (26 Del. C. § 203C(e)(1)(a); or
- ☒ d. The applicant is in possession of a petition signed by a majority of the parcel owners of the proposed territory to be served (26 Del. C. § 203C(e)(1)(b); or **See Exhibit A**
- ☐ e. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served (26 Del. C. § 203C(e)(1)(c).

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption (26 Del. C. § 203C(a).

3. United Water Delaware, Inc. requests an informal fact finding procedure during review of the application.

4. (a) Full legal name and address of the Applicant:

UNITED WATER DELAWARE, INC.
2000 FIRST STATE BOULEVARD, P.O. BOX 6508, WILMINGTON,
DELAWARE 19804-0508

- (b) Full name of the Utility's designated representative: William L. Morris, Jr.

- (c) Telephone No.: 302 255-3033

- (d) Facsimile No.: 302 633 5919

5. Supporting documentation required by 26 Del. C. § 203E(1), including evidence that all landowners of the proposed territory have been notified of the application:
See Exhibit B

6. A complete list of county tax map parcel numbers(s) for the area covered by the Application:
See Exhibit C

7. A complete list of tax map numbers with corresponding names and addresses of property owners and a copy of the tax map(s) for the area:
See Exhibit C & D

8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. § 403C, including:

- (a) The Applicant is currently furnishing water to its present customers in Delaware in such a fashion that water pressure at every house supplied is a least 25 pounds at all times at the service connection;
- (b) The Applicant shall furnish water to the house or separate location of each new customer in Delaware at a pressure of at least 25 pounds at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 pounds at each house at all time at the service connection, except as amended by Senate Bill No. 288, attached as **Exhibit E**;
- (c) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and
- (d) The Applicant is not subject to any Order issued by the Commission finding that United Water Delaware, Inc. has materially failed to provide adequate or proper safe water services to existing customers.

9. As shown in Exhibit A, a majority of the parcel owners of the proposed territory to be served agree with the filing of a "CPCN" to permit Applicant to provide them with public water.

(a) A copy of the Application was sent to the State Fire Marshall, Department of Public Health and Department of Natural Resources on or about September 15, 2008.

1) The current status of such Application is: En route via mail.

(b) The Applicant provides the following additional information with this Application:

1) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers are currently on file with the PSC;

2) A chart, which depicts the inter-company relationships is currently on file with the PSC;

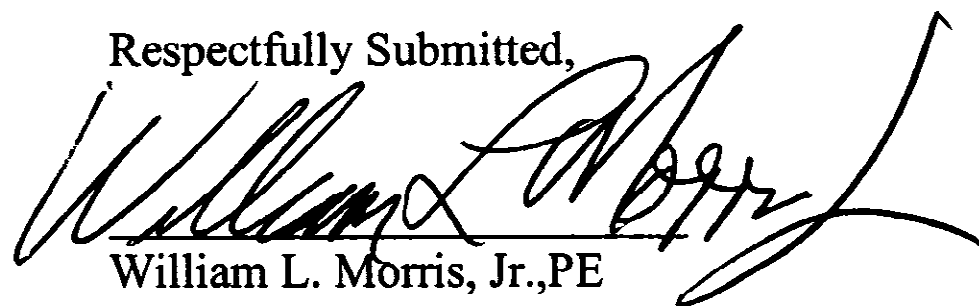
3) A map identifying all areas, including all towns, cities, counties, and other government subdivisions to which service is already provided is currently on file with the PSC;

4) All copies of Applicant's annual reports to stockholders, and that of its subsidiaries, and parent for the last two years are currently on file with the PSC;

5) Applicant's audited financial statements, 10K's, and all proxy material for the last two years are currently on file with the PSC; and

6) Any additional information required by the PSC Staff will be made available on request.

Respectfully Submitted,



William L. Morris, Jr., PE
United Water Delaware, Inc.
2000 First State Boulevard
P.O. Box 6508
Wilmington, DE 19804-0508

EXHIBIT A
WATER SERVICE PETITION

EXHIBIT A

Water Service Petition

We the undersigned, request to be included in the water service territory of United Water Delaware, Inc. for the following property in New Castle County, Delaware.

Parcel Number(s): NCC Tax Parcel# 07-043.40-055
Property Description: 117.58 Acres,
1400 Pettinaro Park Drive, Wilmington, DE 19801
Property Owner(s): Riverfront Development Corporation of Delaware

Signature: _____

Date: _____

9.25.08

Signature: _____

Date: _____

Return to:

United Water Delaware, Inc.
2000 First State Boulevard
P.O. Box 6508
Wilmington, Delaware 19804-0508

EXHIBIT B
EVIDENCE OF LANDOWNER'S NOTIFICATION

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Megan McGlinchey
Riverfront Development Corporation
Chase Center on the Riverfront
815 Justison St.
Wilmington, DE 19801

2. Article Number
(Transfer from se)

7008 1300 0002 3488 1388

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

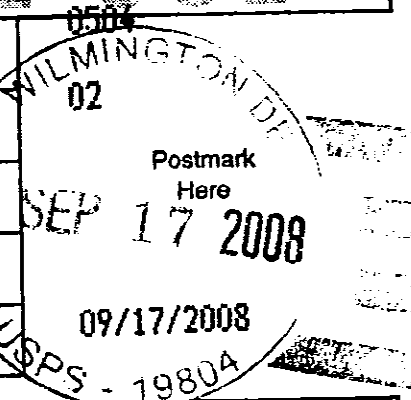
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

WILMINGTON DE 19801

OFFICIAL USE

Postage	\$	\$1.51
Certified Fee		\$2.70
Return Receipt Fee (Endorsement Required)		\$2.20
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.41



Sent To: Megan McGlinchey, Riverfront Dev.
Street, Apt. No., or PO Box No.: 815 Justison St. Corp.
City, State, ZIP+4: Wilmington, DE 19801

PS Form 3800, August 2006

See Reverse for Instructions

William L. Morris, Jr., PE
Sr. Project Engineer

UNITED WATER DELAWARE
2000 First State Boulevard
P.O. Box 6508
Wilmington, DE 19804-0508
Tel: 302.252.3033 • Fax: 302.633.5919
william.morris@unitedwater.com



September 17, 2008

Sent by Certified Mail

Ms. Megan McGlinchey
Director of Operations
Riverfront Development Corporation of Delaware
Chase Center on the Riverfront
815 Justison Street
Wilmington, Delaware 19801

**SUBJECT: Certificate of Public Convenience and Necessity (CPCN)
Russell W. Peterson Urban Wildlife Refuge Education Center
1400 Pettinaro Park Drive, Wilmington, DE 19801
New Castle County Tax Parcel # 07-043.40-055.**

Dear Ms. McGlinchey:

United Water Delaware (UWDE) will be filing an application for a Certificate of Public Convenience and Necessity (CPCN) for public water supply with the Delaware Public Service Commission (PSC). This CPCN will encompass the properties known as Russell W. Peterson Urban Wildlife Refuge Education Center, 1400 Pettinaro Park Drive, Wilmington, Delaware, New Castle County Tax Parcel # 07-043.40-055.

Prior to submitting an application, the PSC requires UWDE to notify all landowners within the proposed CPCN franchise area of the options available to them.

“(1) Pursuant to Title 26, §203(e) of the Delaware Code, an application for a Certificate of Public Convenience and Necessity (CPCN) will be submitted to the Delaware Public Service Commission (PSC) on or about September 22, 2008. Your property has been included with in an area United Water Delaware (UWDE) intends to serve with public water and we are required to inform you of certain information. The area to be served is Russell W. Peterson Urban Wildlife Refuge Education Center, 1400 Pettinaro Park Drive, Wilmington, Delaware, New Castle County Tax Parcel # 07-043.40-055. If you agree to the inclusion of our property in the proposed service area, no action on your part is required.

(2) Pursuant to current law, you may file an objection to receiving water service from UWDE. Under

Delaware law, the PSC cannot grant a CPCN to UWDE for the proposed service area, including your property, if a majority of the landowners in the proposed service area object to the issuance of the CPCN. If you object to receiving water service from UWDE, you must notify the PSC, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.

(3) Pursuant to current law, you may also elect to opt-out of inclusion in the proposed service area. The term "opt-out" means that you decide that you do not want to receive water service from UWDE, even if a majority of the landowners in the proposed service area do elect to receive water service from UWDE. If you decide that you do not want to receive water service from UWDE and instead wish to opt-out, you must notify the PSC, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.

(4) You may also request a public hearing on this matter. A request for a public hearing must be made in writing to the PSC within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.

(5) The written notice of your decision to object to the issuance of the CPCN, to opt-out of receiving water service from UWDE, and/or your written request for a public hearing, shall be sent to the Secretary of the Delaware Public Service Commission at the following address:

**Secretary
Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904**

(6) Any written notice you send to the PSC must include the description of the service area referred to in paragraph (1) above and the name of the applicant so the PSC will be able to identify the CPCN application to which your notice is related.

(7) Questions regarding objections, opt-outs, and hearings may be directed to:

**Secretary
Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904
(302) 739-4247**

Since the RDC is requesting United Water to seek this CPCN in order to provide service to the above property and this is the one and only property to be served under this CPCN, we have enclosed the standard "Water Service Petition" for execution by the appropriate officer of the corporation. Please return the executed petition along with a check for the \$ 350.00 CPCN filing fee (made out to "Delaware Public Service Commission") to my attention.

We anticipate filing the CPCN on or about next Monday, September 22, 2008, upon receipt of the executed petition and check. Please note that, upon acceptance of the CPCN package submittal, PSC will require that a public notice be advertised in the two local newspapers. In the past, this cost was approximately \$ 1,000.00. We will send the invoices from the newspapers to you for pre-payment directly to the newspapers.

Please contact me at (302) 252-3033 if you have any questions or concerns on this matter. I have enclosed a copy of the draft CPCN submittal package for your files. I will also copy you with the final package after adding your petition.

Yours truly,

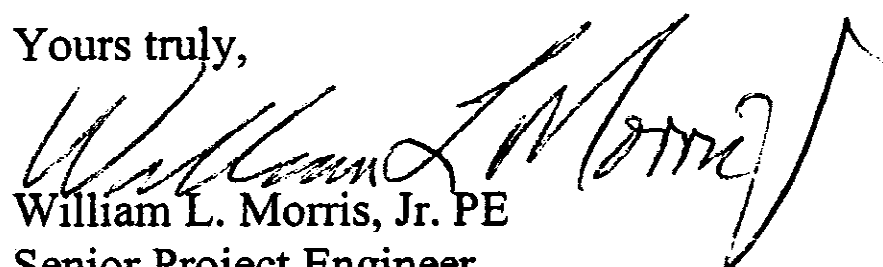

William L. Morris, Jr. PE
Senior Project Engineer
Cc: Nancy Trushell, PE

EXHIBIT C
LIST OF TAX MAP PARCEL NUMBERS AFFECTED

EXHIBIT C

CPCN Application

Russell W. Peterson Urban Wildlife Refuge Education Center
1400 Pettinaro Park Drive, Wilmington, DE 19801

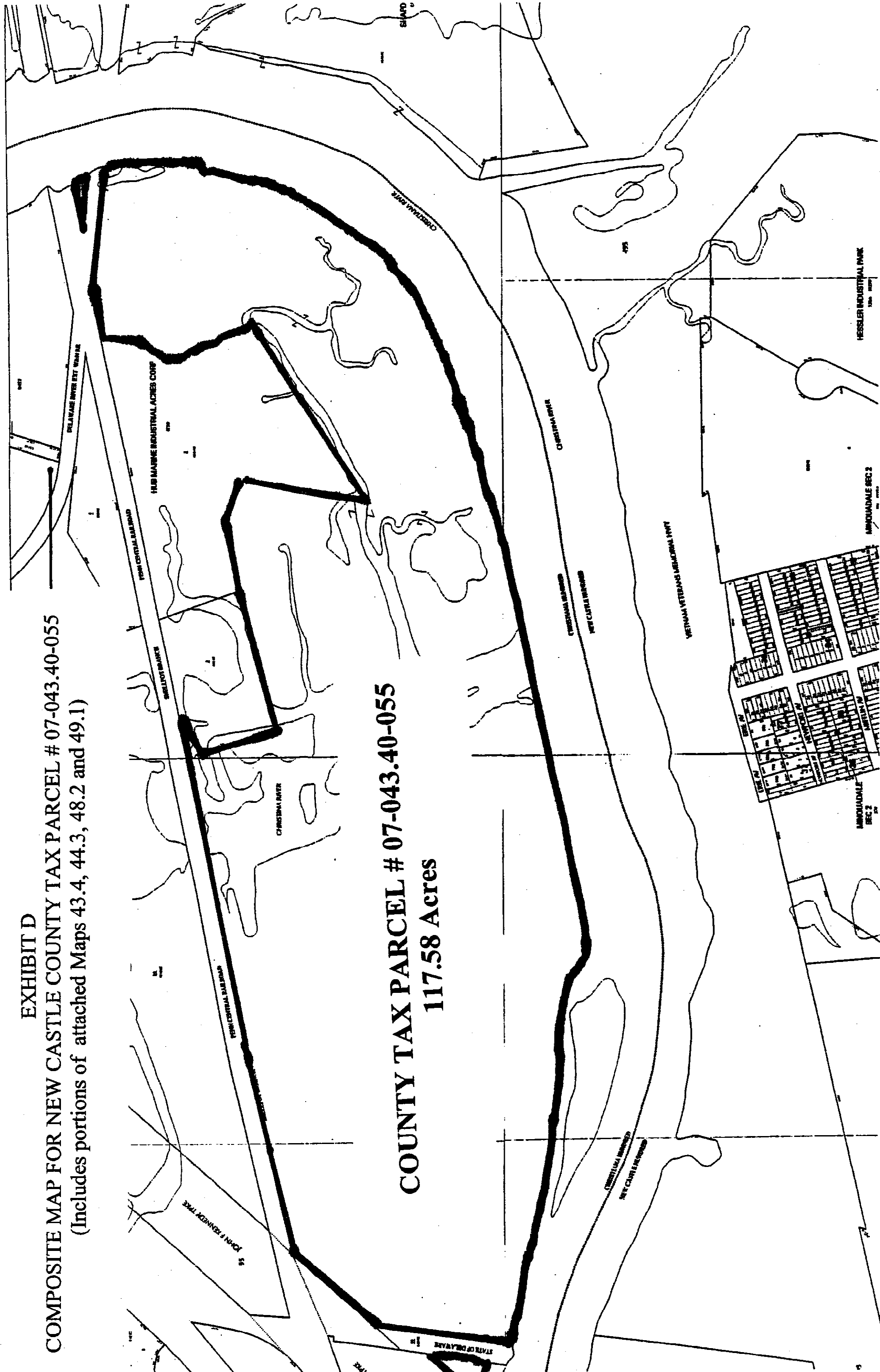
Property Owner	NCC Tax Parcel #	Property Address	Owner Address	Petition Signed
Riverfront Development Corporation of Delaware	07-043.40-055	1400 Pettinaro Park Drive Wilmington, DE 19801	800 South Madison Street Wilmington, DE 19801	Yes

EXHIBIT D
COMPOSITE MAP FOR NEW CASTLE COUNTY TAX PARCEL # 07-043.40-055
(Includes portions of attached Maps 43.4, 44.3, 48.2 and 49.1)

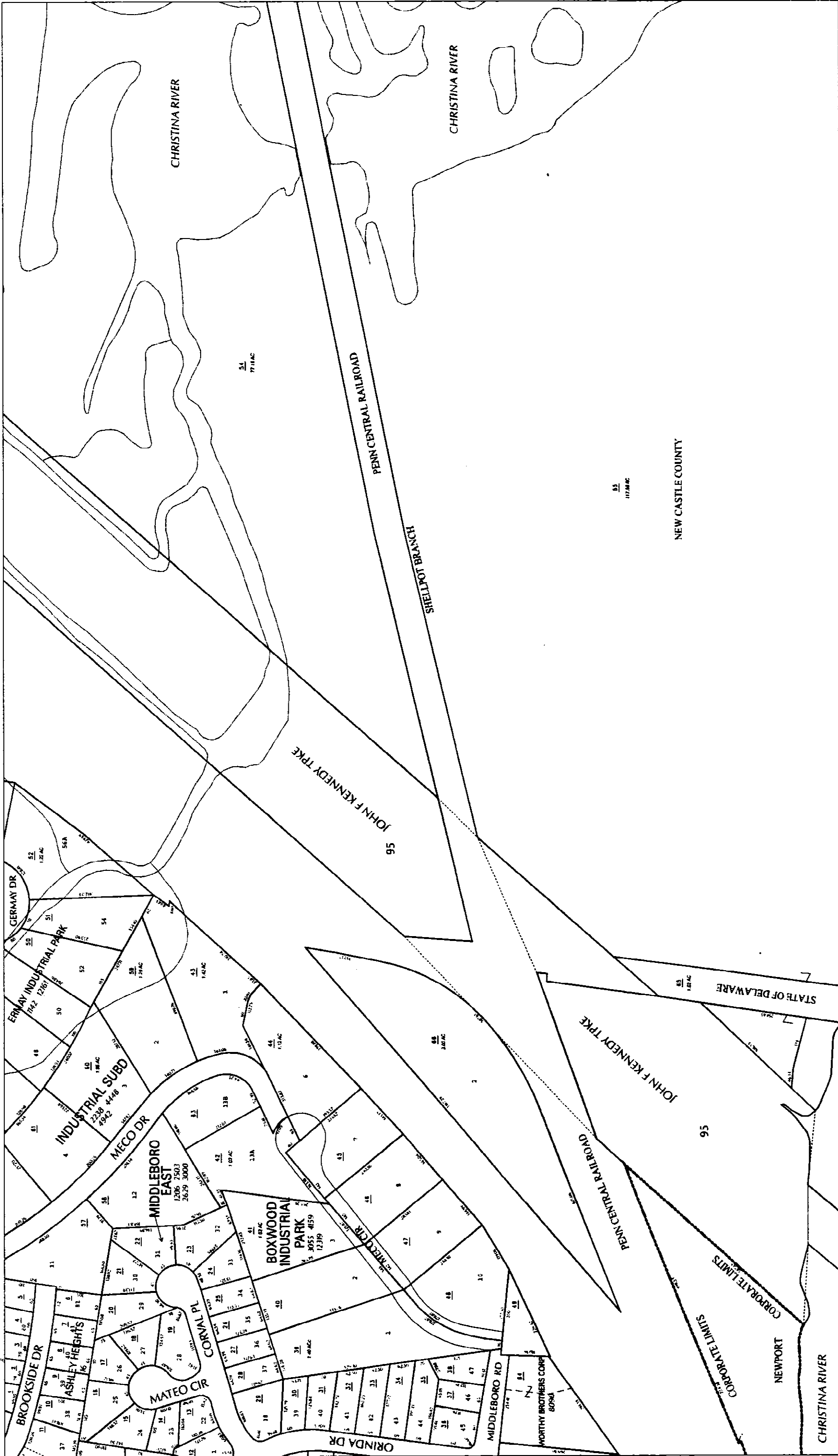
EXHIBIT D

COMPOSITE MAP FOR NEW CASTLE COUNTY TAX PARCEL # 07-043.40-055

(Includes portions of attached Maps 43.4, 44.3, 48.2 and 49.1)



COUNTY TAX PARCEL # 07-043.40-055
117.58 Acres



PROPERTY MAP	
NEW CASTLE COUNTY, DELAWARE	
7	Chadwick Hundred
MAP NO.	43.4
SCALE: 1"=100'	
DATE OF PAVING: '84-'88	
DATE COMPLETED: MARCH 1970	
DATE OF PAVING: '84-'88	
DATE COMPLETED: MARCH 1970	
DATE OF PAVING: '84-'88	
DATE COMPLETED: MARCH 1970	

REVISIONS SINCE LAST PRINTING DATE	
1	8
2	7
3	6
4	5
5	4
6	3
7	2
8	1



LEGEND	
LOT LINE	LOT LINE
INTERIOR LINE	INTERIOR LINE
PARCEL LINE	PARCEL LINE
ROAD LINE	ROAD LINE
RAILROAD LINE	RAILROAD LINE
STATE OF DELAWARE	STATE OF DELAWARE
JOHN KENNEDY TPK	JOHN KENNEDY TPK
PENN CENTRAL RAILROAD	PENN CENTRAL RAILROAD
SHELLPOT BRANCH	SHELLPOT BRANCH
CHRISTINA RIVER	CHRISTINA RIVER
NEWPORT	NEWPORT
CORPORATE LIMITS	CORPORATE LIMITS
MIDDLEBORO RD	MIDDLEBORO RD
WORTHY BROTHERS CORP	WORTHY BROTHERS CORP
ORINDA DR	ORINDA DR
MATEO CIR	MATEO CIR
CORVALL PL	CORVALL PL
MECO DR	MECO DR
ERMA INDUSTRIAL PARK	ERMA INDUSTRIAL PARK
GERMAN DR	GERMAN DR
ASHLEY HEIGHTS	ASHLEY HEIGHTS
BROOKSIDE DR	BROOKSIDE DR
INDUSTRIAL SUBD	INDUSTRIAL SUBD
MIDDLEBORO EAST	MIDDLEBORO EAST
BOXWOOD INDUSTRIAL PARK	BOXWOOD INDUSTRIAL PARK
CORPORATE LIMITS	CORPORATE LIMITS
NEWPORT	NEWPORT
CHRISTINA RIVER	CHRISTINA RIVER
PENN CENTRAL RAILROAD	PENN CENTRAL RAILROAD
SHELLPOT BRANCH	SHELLPOT BRANCH
JOHN KENNEDY TPK	JOHN KENNEDY TPK
STATE OF DELAWARE	STATE OF DELAWARE

MAP LOCATION	
43.3	43.3
43.3	43.3
43.3	43.3
43.3	43.3
43.3	43.3
43.3	43.3
43.3	43.3
43.3	43.3
43.3	43.3
43.3	43.3

THIS MAP IS THE PROPERTY OF THE NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND PLANNING. IT IS NOT TO BE REPRODUCED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE DEPARTMENT OF LAND USE AND PLANNING.

41.2	44.3		
43 43.4	46.3 46.5		
46.2	48.3		

41.2	44.1	40.1
41	40.3	40.2
41.4		

COMPOSITE LINE
HUNDRED LINE
HYDRO LINE
DRAIN LINE

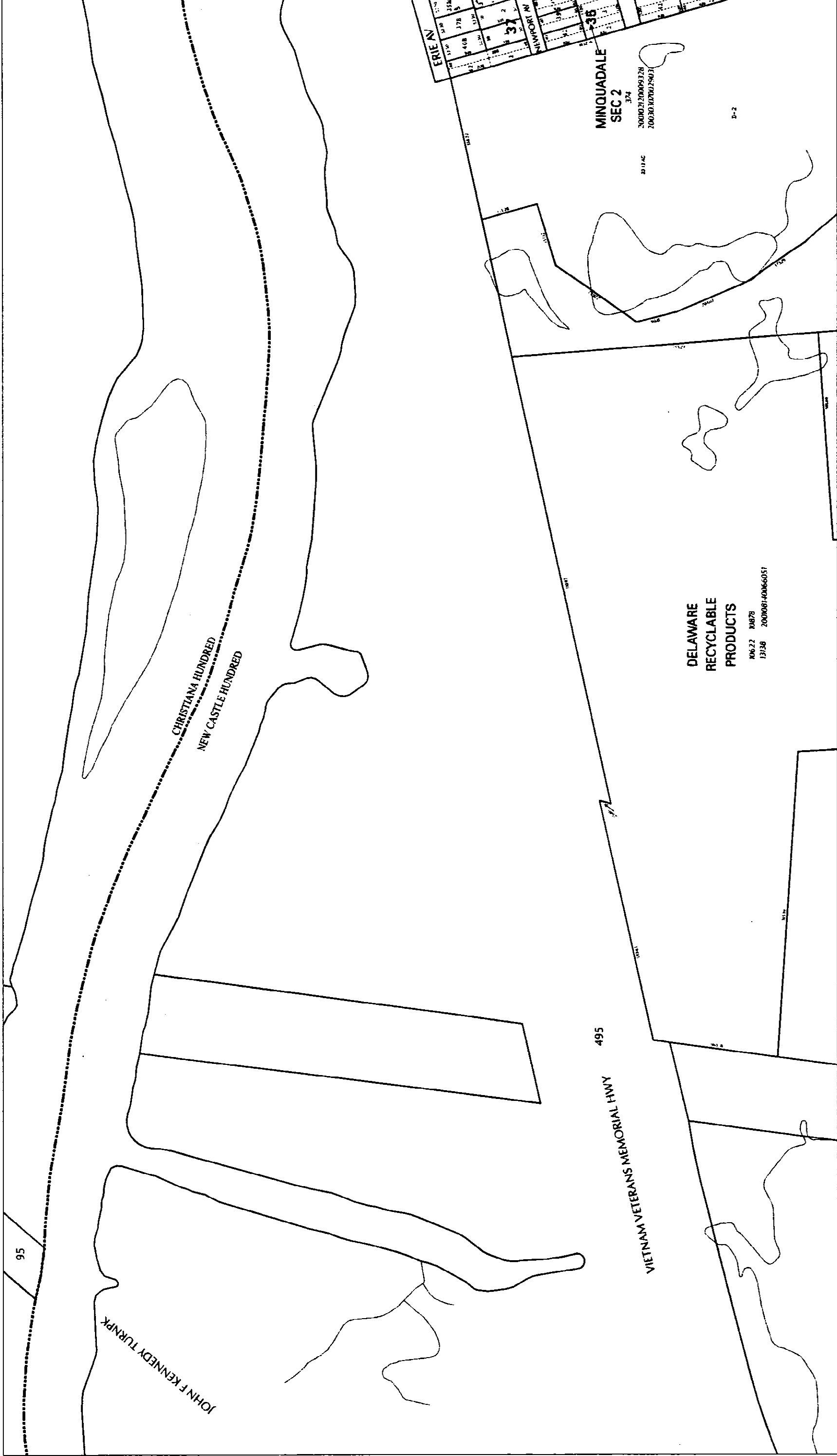
COMPOSITE LINE
HUNDRED LINE
HYDRO LINE
DRAIN LINE

1.46 AC	ACCEAGE	BLOCK	COMMISSION	LOT NUMBER	PURCH NUMBER	ACROFILM NUMBER	SUBDIVISION NAME
D		1-1		1	21	2510	SUBD

SUBD

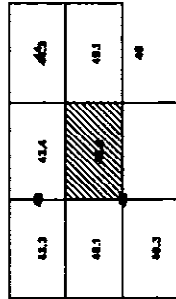
PREVIOUS SINCE LAST PRINTING DATE	
1	4 11
2	7 12
3	8 13
4	9 14
5	10 15

PROPERTY MAP		MAP NO. 44.3
NEW CASTLE COUNTY, DELAWARE		
7 Christine Hurdred		
SCALE: 1" = 100'	LAST PRINTING DATE September 28, 2002	
DATE OF PUBLISHING: 05-08		
DATE COMPUTER GENERATED: 07-19		
DATE PUBLISHED: 08-01		
DRAWN BY: J. H. H. H.		
CHECKED BY: J. H. H. H.		



THIS MAP IS FOR INFORMATION ONLY AND DOES NOT
CONSTITUTE A GUARANTEE OF THE ACCURACY OF
THE INFORMATION THEREON. THE DEPARTMENT OF
LAND AND NATURAL RESOURCES OF NEW CASTLE COUNTY

MAP LOCATION



LEGEND

- LOT LINE
- INTERIOR LINE
- PARCEL LINE
- ROW LINE
- RAILROAD LINE
- CORPORATE LINE
- HUNDRED LINE
- HYDRO LINE
- DRAIN LINE
- ACRESAGE
- BLOCK
- COMMISSION
- LOT NUMBER
- PARCEL NUMBER
- SUBDIVISION NAME



REVISIONS SINCE LAST PRINTING DATE	
1	6
2	7
3	8
4	9
5	10
6	11
7	12
8	13
9	14
10	15

PROPERTY MAP	
NEW CASTLE COUNTY, DELAWARE	
7	Christiana Hundred
MAP NO.	48.2
SCALE 1"=100'	
DATE OF PRINTING '05 '06	March 24, 2003
DATE COMPLETED MARCH 1970	
BY: JAMES G. GRIFFIN	
CHECKED BY: JAMES G. GRIFFIN	

DATE OF BIRTH	LOT LINE	ACREAGE
ADDITIONAL	ENTIRE LINE	D BLOCK
SECTION	PARTIAL LINE	SECTION
SECTION	ROW LINE	LOT NUMBER
SECTION	ROW LINE	PARCEL NUMBER
SECTION	ROW LINE	SECTION NUMBER
SECTION	ROW LINE	SUBSECTION NAME
SECTION	ROW LINE	SUBD



RECORDS SINCE LAST PRINTING DATE	
1	5 11
2	7 13
3	8 13
4	9 14
5	10 15

PROPERTY MAP		MAP NO.	
NEW CASTLE COUNTY, DELAWARE		49.1	
1	Christiana Hundred		
SCALE	1"=100'	LAST PRINTING DATE	
DATE OF PUBLISHING	NOV-98	March 24, 2003	
DATE COMPLETED		MARCH 1970	
DRAWN BY		BRIAN EMMETT CLARK	

EXHIBIT E

SENATE BILL NO. 288

Signed July 17, 2008



SPONSOR: Sen. McBride & Rep. Brady

DELAWARE STATE SENATE
144th GENERAL ASSEMBLY

SENATE BILL NO. 288

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO EXPANSION OF FACILITIES AND SERVICES OF WATER COMPANIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

- 1 Section 1. Amend §403(b), Title 26, Delaware Code by inserting a new sentence at the end of current §403(b), the
2 following:
3 “Notwithstanding the above or any law or regulation to the contrary, no such restriction shall apply to a water
4 company expanding its facilities to a new customer or subscriber seeking or providing services on the property having the
5 tax parcel number 07-043.40-055 or any successor parcel thereof; provided, however, that the primary use of such property
6 remains as a wildlife refuge.”

SYNOPSIS

In an effort to provide cost effective potable water service to the Peterson Wildlife Refuge, which is currently owned by the Riverfront Development Corporation and to be managed by the Delaware Nature Society to provide environmental educational opportunities for the public, this Bill exempts the requirement of 25 pounds of pressure for this particular property.

Author: Senator McBride